

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

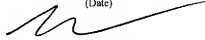
Applicant : Shults, et al.  
Appl. No. : 09/447,227  
Filed : November 22, 1999  
For : DEVICE AND METHOD FOR  
DETERMINING ANALYTE  
LEVELS  
Examiner : Robert L. Nasser  
Group Art Unit : 3735

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November 5, 2007

(Date)



Rose M. Thiessen, Reg. No. 40,202

## SUMMARY OF INTERVIEW

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary mailed November 1, 2007, Applicants respectfully request that the Examiner enter the following Summary of Interview by Applicants.

**Summary of Interview** begins on page 2 of this paper.

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## SUMMARY OF INTERVIEW

### Attendees, Date and Type of Interview

The telephonic interview was conducted on November 01, 2007 and attended by Examiner Robert L. Nasser and Applicants' representative Laura Johnson.

### Exhibits and/or Demonstrations

None.

### Identification of Claims Discussed

Claim 34.

### Identification of Prior Art Discussed

U.S. Patent No. 5,387,327 to Khan; U.S. Pat. No. 5,165,407 to Wilson et al; U.S. Patent No. 5,914,026 to Blubaugh, Jr. et al.

### Proposed Amendments

Applicant proposed language to be added to the independent claims to distinguish from Khan, namely, "at least a portion of the sensor is located in or on the protruding second portion."

### Principal Arguments and Other Matters

Applicants' representative argued that none of the prior art of record teaches, discloses or fairly suggests a sensor located in or on the second protruding portion as in the proposed claim amendment.

### Results of Interview

Although Examiner Nasser indicated that the previous office action would be withdrawn, Applicant requested consideration as to whether the case is in condition for allowance or could be placed in condition for allowance. Examiner Nasser presented the Khan reference, to which the Applicant' proposed the above-stated claim language. Examiner then requested that Applicant put on the record reasons why the proposed claim language is important. Examiner Nasser further indicated that additional prosecution may be required to further consider the Wilson et al and Blubaugh, Jr. et al references.

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### CONCLUSION

Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/5/07

By: 

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